

## **REMARKS**

This paper is submitted in reply to the Final Office Action dated September 6, 2007, within the three-month period for response. Furthermore, this paper accompanies a Notice of Appeal, and is submitted merely to place the claims in better condition for appeal, so the amendments are properly entered after final. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, claim 29 was again rejected under 35 U.S.C. § 101. Additionally, claims 1-11, 13-24, and 26-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,713,018 to Chan. Applicant respectfully traverses the Examiner's rejections to the extent that they are maintained.

As an initial matter, Applicant wishes to that the Examiner for the consideration granted in the personal interview conducted between the Examiner and the undersigned on October 17, 2007. In the interview, Applicant proposed an amendment to claim 29 to address the §101 rejection, and the Examiner in turn suggested an additional amendment to the claim to focus on the medium "storing" the program code. Applicant has now amended claim 29 herein consistent with the Examiner's suggestion in the interview, such that the claim recites in part a "recordable computer readable medium storing the program code." As Applicant pointed out in the interview, the definition of a "recordable medium" in the specification at page 9, lines 16-20 includes only tangible or physical type media, and specifically excludes signal-type media such as digital or analog communication links. For the Examiner's convenience, Applicant has reproduced the language in the specification, but with paragraph breaks added to better illustrate that a "computer readable signal bearing medium" includes recordable type media and transmission type media, but that recordable type media do not include transmission type media:

*Examples of computer readable signal bearing media include but are not limited to*

*recordable type media such as volatile and non-volatile memory devices, floppy and other removable disks, hard disk drives, magnetic tape, optical disks (e.g., CD-ROMs, DVDs, etc.), among others, and*

*transmission type media such as digital and analog communication links.*

Applicant thanks the Examiner for the suggested amendment, and respectfully submits that this amendment places claim 29 in a form that is considered statutory by the Office's current guidelines. Withdrawal of the §101 rejections is therefore respectfully requested.

Next, in the subject Office Action, all pending claims were rejected as being obvious in view of Chan. Applicant and the Examiner discussed proposed amendments in the interview regarding these rejections; however, no agreement was reached. Applicant continues to traverse the rejections, and has therefore submitted a Notice of Appeal with respect to these rejections.

In summary, Applicant respectfully submits that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23 3000.

Respectfully submitted,

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Date

/Scott A. Stinebruner/  
Scott A. Stinebruner  
Reg. No. 38,323  
WOOD, HERRON & EVANS, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
Telephone: (513) 241-2324  
Facsimile: (513) 241-6234